

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: STATIC RANDOM ACCESS (SRAM)  
ANTITRUST LITIGATION,

No. C 07-01819 CW  
ORDER DEFINING  
CUSTOM SRAM

On September 29, 2008, the Court issued an order granting Plaintiff's motion for class certification. In the Order, the Court noted that both parties agreed that "analyzing the impact of customized SRAM would require an individualized analysis to prove an antitrust violation." Docket no. 566 at 12 n.2. Therefore, the Court excluded purchasers of custom SRAM from the class. On October 31, 2008, the Court ordered both parties to meet and confer regarding a definition of customized SRAM. The parties did not agree on a definition and instead submitted their proposed definitions to the Court. The matter was heard on December 18, 2008. Having considered oral argument and all of the papers filed by the parties, the Court adopts Plaintiff's definition of customized SRAM.

Customized SRAM is defined as

(1) SRAM that was designed and sold by only one manufacturer in order to meet a set of defined performance characteristics

1 established by only one purchaser; and

2 (2) that set of defined performance characteristics was not  
3 met by SRAM designed or sold by any other manufacturer; and

4 (3) the SRAM was designed as a completely new SRAM or required  
5 substantial change to an already-existing SRAM.

6 Defendants' challenge this definition as too lengthy and  
7 difficult to apply. The Court disagrees. The above definition  
8 encapsulates only the type of SRAM that would require an  
9 individualized analysis to prove an antitrust violation. This  
10 definition takes into consideration that "customers buying custom  
11 products would not be affected by any alleged conduct targeted at  
12 the market generally because there is no competition from the other  
13 Defendants for a custom product." Opposition to Class  
14 Certification at 25.

15 Defendants' proposed definition is too simple and risks  
16 engulfing non-customized SRAM. Defendants suggest that custom SRAM  
17 is "SRAM designed, manufactured, or tested to meet individual  
18 purchaser's specifications or needs." This definition would  
19 include SRAM that might be customized for one purchaser but is  
20 actually sold to multiple purchasers. Thus, under Defendants'  
21 definition, custom SRAM would not in fact be an individualized  
22 product for a particular customer. Defendants' definition would  
23 also include SRAM with only minor modifications. Insubstantial  
24 modifications of SRAM would not alter the predominantly common  
25 impact of the conspiracy on purchases of such SRAM. Defendants'  
26 proposed definition would likely exclude SRAM purchases that would  
27 have been commonly impacted by a conspiracy among Defendants to fix  
28 SRAM prices.

For these reasons the Court adopts Plaintiff's definition.

IT IS SO ORDERED.



Dated: 12/19/08

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CLAUDIA WILKEN  
United States District Judge